

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 457A

Case No. 84-18F/82-13C

(Brookings Institution - PUD)

June 12, 1989

On May 13, 1985, by Z.C. Order No. 457, the Zoning Commission for the District of Columbia granted approval to the application of the Brookings Institution for second-stage (final) review of a Planned Unit Development (PUD) and related change of zoning from R-5-D to SP-2 for a portion of lot 113 in Square 157 located in the 1700 blocks of P Street and Massachusetts Avenue, N.W. The approved PUD was for a proposed new development that incorporated an existing office building with a new mixed-use office and residential development. Z.C. Order No. 457 was due to expire on June 7, 1987.

Pursuant to subsection 2406.10 of the District of Columbia Municipal Regulations (DCMR) Title 11 - Zoning, the Zoning Commission has the authority to extend the period of validity of a PUD for good cause shown upon proper request of the application before the expiration of the PUD approval.

By letter dated and received on May 7, 1987, counsel for the applicant requested that the Zoning Commission extend the validity of the PUD approval in Z.C. Order No. 457 for two years. That letter stated, in part, the following:

"Brookings has not yet been able to apply for a building permit for the project, primarily because of lengthy litigation regarding the legal validity of Order No. 457. A Petition to Review the Commission's order was filed on July 1, 1985. The District of Columbia Court of Appeals finally decided the case on October 20, 1986, upholding the legality of the Zoning Commission's order approving Brookings' PUD. Citizens' Coalition Against the Proposed Brookings Office Building v. D.C. Zoning Commission, 516 A.2d 506 (D.C. 1986),

Brookings' inability to proceed with the project has also been hampered by unfavorable market conditions which have required Brookings to find a new developer

for the project. However , Brookings recently entered into an agreement with Quadrangle Development Corporation which is willing and able to proceed with the development of the project."

Subsequently, the Zoning Commission, by Z.C. Order No. 533 dated July 13, 1987, approved the extension of the validity of Z.C. Order No. 457 for two years; that is until June 7, 1989.

At its public meeting of May 8, 1989, the Commission considered another request from the Brookings Institution for an extension of Zoning Commission Orders No. 457 and 533 which approved a Planned Unit Development (PUD) for lot 1b3 in Square 157.

By letter dated and received on March 22, 1989, counsel for the applicant states, in part the following:

"A second extension is now needed because as Quadrangle Development Company became more deeply involved in the project, it concluded that certain modifications to the PUD will be necessary before development can proceed. These modifications are the subject of the recently filed PUD modification application which we filed on behalf of Brookings in January, 1989, At its last regularly scheduled meeting, the Zoning Commission set that application down for a public hearing scheduled for June 7, 1989, pursuant to the previous extension of Order No. 533, a further extension of the PUD is hereby requested until the hearing on the proposed modifications is concluded and the Zoning Commission makes a final decision on the same."

The Commission believes that an extension of time, as requested by the applicant, is not unreasonable, The Commission also believes that the rationale for granting approval for the PUD has not changed, and that, having not heard any opposition to the request for further extension from the parties, determined that no adverse consequences will result from approving the request.

It is therefore ordered that the validity of Zoning Commission Orders No. 457 and 533 is EXTENDED for a period of two years, until June 7, 1991, Prior to the expiration of that time, the applicant shall file an application for a building permit, as specified in subsection 11 DCMR 2406.8,

Vote of the Zoning Commission taken at the public meeting on May 8, 1989: 4-0 (John G. Parsons, Lloyd D. Smith, Maybelle Taylor Bennett and Elliott Carroll, to extend the validity of Z.C. Order No. 457 - Lindsley Williams, not present, not voting) .

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This order was adopted by the Zoning Commission at its regular monthly meeting on June 12, 1989 by a vote of 3-0 (John G. Parsons, Maybelle Taylor Bennett and Lindsley Williams to adopt, Lloyd D. Smith abstained, Elliott Carroll, not present, not voting).

In accordance with 11 DCMR 3028, this order shall become final and effective upon publication in the D.C. Register; that is on AUG 11 1989.



LINDSLEY WILLIAMS
Chairman
Zoning Commission



EDWARD L. CURRY
Executive Director
Zoning Secretariat

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